

City of Albany, New York
REQUEST FOR PROPOSALS
FOR THE PROVISION OF
PROFESSIONAL ENGINEERING SERVICES
FOR
CIVIL ENGINEERING – WASTE DISPOSAL PROJECT ANALYSIS &
MANAGEMENT

RFP No. 2017-22

November 27, 2017

IMPORTANT NOTICE:

A restricted period is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Bidders are prohibited from contact related to this procurement with any City of Albany employee other than the designated contacts listed below refer to:

Designated Contacts for this Procurement:

Primary Contact: Adriana Le Blan, Esq.
Secondary Contact: Joseph Giebelhaus

SECTION 1: PURPOSE

- 1.1 Acting as lead agent for the Capital District Waste Partnership Planning Unit, the City of Albany hereby requests proposals from qualified engineering firms to provide professional civil and environmental engineering services for the development of future disposal capacity for the City of Albany and participating member communities. It is expected that the awarded and contracted civil engineer firm (hereinafter “Civil Engineer”) will work collaboratively with the City and future vendors for all professional civil engineering services relative to the selection, permitting, construction and operation of future disposal facilities. Minority Business Enterprises and Women's Business Enterprises are encouraged to submit proposals.

SECTION 2: RECEIPT OF PROPOSALS

- 2.1 Five (5) copies of the Proposal must be received in a sealed envelope marked “Proposal Enclosed - Civil Engineering Services – Waste Disposal Project Analysis & Management” no later than December 29st, 2017 at 2:00 p.m. (late proposals cannot be accepted) at the following address:

Office of Corporation Counsel
City of Albany

City Hall, Room 106
24 Eagle Street
Albany, New York 12207

- 2.2 Each proposal submitted will be the document upon which the City of Albany will make its initial judgment regarding each proposer's qualifications, methodology, and ability to provide the requested services.
- 2.3 Those submitting proposals do so entirely at their own expense. There is no express or implied obligation by the City to reimburse any firm or individual for any costs incurred in preparing or submitting proposals, preparing or submitting additional information requested by the City, or participating in any selection interviews.
- 2.4 Submission of any proposal indicates an acceptance of the conditions contained in this Request for Proposals unless the submitted proposal clearly and specifically states otherwise.
- 2.5 The City reserves the right to accept or reject any and all proposals in whole or in part, to waive any and all informalities, require supplemental statements or information from any responsible party, negotiate potential contract terms with any respondent to this RFP, have discussions with any respondent to this RFP to correct and/or clarify responses which do not conform to the instructions contained herein and to disregard all non-conforming, non-responsive or conditional proposals.
- 2.6 The City of Albany reserves the right to award the contract work, in whole or in part, to one or more firms and individuals.
- 2.7 Any award of the civil engineering services work shall be conditioned on the later execution of a formal written contract. The City of Albany reserves the right to revoke or rescind any award at any time prior to the full execution of a formal written contract.
- 2.8 Respondents shall avoid submission of marketing materials.
- 2.9 All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of the City upon the request of any person unless the content of the document falls under a specific exemption to disclosure.

SECTION 3: QUALIFICATIONS OF PROPOSER:

- 3.1 Each proposer shall provide a statement of qualifications including:
 - a. A brief history and description of the firm submitting the proposal.
 - b. Identification of a project team manager or point of contact for all management issues.

- c. Identification of the firm's professional staff members who will be assigned to this engagement if the firm's proposal is selected. Include a resume for each such professional staff member that details qualifications, years and types of experience, education, accomplishments, etc. Specify the extent of the availability and commitment of each such professional staff member who will be assigned to this engagement if the firm's proposal is selected.
- d. At least three (3) references, including addresses and telephone numbers.
- e. A signed cover letter from a person within the firm who is authorized to make representations on behalf of the firm and to bind the firm.
- f. A summary of similar projects or work undertaken by the firm and the experience on similar projects or work of each of the firm's professional staff members who will be assigned to the engagement if the firm's proposal is accepted.
- g. Any additional information which would serve to distinguish the firm from other firms submitting proposals such as examples of work on projects similar to the project contemplated by this RFP, any special expertise or experience of the firm, etc.

SECTION 4: SCOPE OF SERVICES:

The City of Albany Department of General Services is acting as lead agency on behalf of the Capital District Solid Waste Management Partnership Planning Unit for the purpose of review, analysis and recommendation of vendor solicitations, representation of the City during contact, and permitting development, and during the construction of the finished product.

- 4.1 The Civil Engineer shall provide and construction observation services for the completion of civil engineering tasks associated with the Project.
- 4.2 The scope of the Civil Engineer work will include professional services relative to 6NYCRR Part 360 compliance components affected by the Project. The scope will include necessary civil engineering services relative to the development, implementation and monitoring of the Project.
- 4.3 It is anticipated that contract for the development of disposal capacity will be awarded. In the event the City elects not to award, the scope of work for the civil engineer for this project will shift. The city may elect to develop disposal capacity independently. The consultant shall assist the City in the development of projects necessary to permit, construct, operate and/or close waste management facilities and infrastructure. The scope of this work includes participation in long term planning and project budgeting for those facilities. The consultant shall provide the professional services necessary to assist the City in the permitting, design, and

construction of facilities. This work includes, but is not limited to, facility upgrades, closure projects, gas field development, remedial actions, permit compliance, management of forums for public participation, resolution of violations or other legal matters resulting from the operation of waste management facilities. The scope of services will then include, but not limited to, facility design, bid development, construction management and observation contract.

4.3.1 Construction Bid Services

If called upon, the bid documents shall be provided to the City for competitive bidding. The Civil Engineer will be responsible for issuing any required addenda and answer any questions that may arise during the bid period. The Civil Engineer shall arrange for and attend a pre-bid meeting and will be required to review all bids once they are received. Upon review of the bids, Civil Engineer shall recommend award of the project. The City will hold all contracts with selected companies. Civil Engineer shall provide contract bidding service as detailed below:

1. Prepare contract documents and project manuals for bidding in accordance with New York State General Municipal Law § 103 for the construction of the Project. Plans provided by the ecological consultant shall be incorporated into the bid documents.
2. Prepare 20 copies of the project manual and construction drawings on CD for bidding and City's internal use.
3. Prepare notice to bidders for advertisement.
4. Conduct one pre-bid meeting and answer technical questions for the contractors. Addenda to the bid documents shall be prepared to respond to contractor's questions.
5. Assist the City in awarding the project to the qualified low bidder including the preparation of an award recommendation.

4.3.4 Construction Administration Services

Provide Construction Management\Construction Administration & Oversight of any and all work performed by third party contractors and/or any tasks performed by the City. Since it is unknown at this time the number of contracts that will be issued and the schedule of the third party contractors performing the work, the Civil Engineer shall prepare a proposed or anticipated plan and schedule for Task 4.1 and 4.2 and provide an estimated cost or range of cost for this task. Civil Engineer shall perform the following:

1. Conduct one pre-construction meeting with the contractors
2. Review and approve construction shop drawings and specifications submitted by the contractor for compliance with the design concept.
3. Review and certify contractor's monthly and final payment applications. The release of retainage shall be at the direction of the City (if necessary).
4. Conduct weekly progress meetings at the site to review schedule conformance.

5. Receive, review and discuss change orders as they develop. Provide the City with recommendations on the validity of the change request.
6. Document meetings.
7. Review and approve the record drawing information supplied by the contractors.
8. Ensuring contractors compliance with all applicable Federal, State and Local Laws,

SECTION 5. WORK PROPOSAL

- 5.1 Address the Scope of Services referenced in Section 4 above, including a detailed work plan and project approach that includes task definitions and methodology, milestones, and project schedule.
- 5.2 Prior to submitting a work proposal, the Civil Engineer shall familiarize themselves with the conditions set forth in the permit issued by DEC on June 25, 2009. Civil Engineer shall also familiarize themselves with all the documents referenced in the permit issued by DEC on June 25, 2009. The permit and all related documents can be found at www.capitalregionlandfill.com.

SECTION 6: COST PROPOSAL:

- 6.1 Provide the proposed cost for the services set forth in Section 4, Subsections 4.1 through 4.3. The cost proposal shall set forth a schedule of hourly fees and an overall not to exceed fee for providing all of the services outlined in Section 4 above.
- 6.2 Clearly set forth in detail any and all additional expenses for which you expect to be reimbursed. The proposal must provide a guarantee that no additional fees will be charged to the City of Albany without prior written consent by the City.

SECTION 7: CONTRACT:

- 7.1 The selected proposer(s) will be required to execute a contract with the City of Albany. The term of the contract shall be two (2) years commencing on or about January 1, 2018. The City of Albany shall have the option to extend the agreement for two (2) additional one (1) year periods upon budget approval. A sample Professional Services Agreement is available upon request.

SECTION 8: PROPOSAL EVALUATION:

- 8.1 Proposals shall remain valid until the execution of a contract by the City of Albany or January 31, 2018, whichever comes first.
- 8.2 Proposals shall be examined and evaluated by the City of Albany Department of General Services and the Corporation Counsel's Office to determine whether each proposal meets the requirements of this RFP. A recommendation will be made to

the City of Albany Department of General Services for a contract award based on the following criteria:

- * Proposer's demonstrated capabilities, professional qualifications, and experience in ecosystem mitigation, restoration and enhancement.
- * The wherewithal of the proposer(s) to render the requested services to the City in a timely fashion.
- * Total proposed cost.
- * Completeness of the proposal.

- 8.3 The selection of a proposal will not be based solely on a monetary evaluation. Considerable weight will be given to experience in the areas required and the track record of the proposer(s).

SECTION 9: ALTERNATIVES:

- 9.1 Proposals may include alternative matters or items not specified or requested in this RFP. However, all such alternatives matters or items must be listed separately from the proposal and the cost(s) thereof must be separate and itemized.

SECTION 10: INDEMNIFICATION:

- 10.1 The selected proposer will be required to defend, indemnify, and save harmless the City of Albany, its employees and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the selected proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses, and expenses.

SECTION 11: SPECIFICATION CLARIFICATION:

- 11.1 All inquiries with respect to this Request for Proposals shall be directed to the following address:

For public procurement process clarifications:

Adriana Le Blan, Esq.
Assistant Corporation Counsel
Department of Law
City Hall, Room 106
24 Eagle Street
Albany, New York 12207
(518) 434-5050
aleblan@albanyny.gov

For project specific clarifications:

Mr. Joseph Giebelhaus

Superintendent of Sanitation Services
Department of General Services
1 Conners Blvd
Albany, New York 12204

- 11.2 All questions about the meaning or intent of the specifications shall be submitted **in writing**. Replies will be posted via the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Questions received less than four (4) business days prior to the date of submission of proposals will not be answered. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.
- 11.3 In addition, any changes, additions or deletions to this RFP will also be posted on the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Respondents are urged to check the City's website frequently for notices of any clarification of or changes, additions, or deletions to this RFP.

OTHER THAN THE CONTACT IDENTIFIED ABOVE, PROSPECTIVE RESPONDENTS SHALL NOT APPROACH THE CITY'S EMPLOYEES DURING THE RESTRICTED PERIOD OF THIS RFP PROCESS ABOUT ANY MATTERS RELATED TO THIS RFP OR ANY QUALIFICATIONS SUBMITTED PURSUANT THERETO.

SECTION 12: MODIFICATION AND WITHDRAWAL OF PROPOSALS:

- 12.1 Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.
- 12.2 If within twenty-four (24) hours after the proposals are opened, any proposer files a duly signed written notice with the City and promptly thereafter demonstrates to the reasonable satisfaction of the City that there was a material and substantial mistake in the preparation of its proposal, that proposer may withdraw its proposal and the proposal security will be returned. Thereafter, that proposer will be disqualified from further proposal on the work.

SECTION 13: INSURANCE AND SECURITY REQUIREMENTS:

- 13.1 The selected proposer will be required to procure and maintain at its own expense the following insurance coverage:
- Workers' Compensation and Employer's Liability Insurance:** Must show evidence of Worker's Compensation insurance at State statutory limits, a policy or policies providing protection for employees in the event of job-related injuries.

- (b) **General Liability Insurance:** A policy or policies of comprehensive general liability insurance of general liability limits of \$1,000,000 per occurrence/\$2,000,000 aggregate.
- (c) **Excess/Umbrella Insurance:** A policy or policies of insurance with limits of \$2,000,000 per occurrence/\$2,000,000 aggregate.
- (d) **Errors and Omissions Insurance:** A policy or policies of errors and omissions insurance with limits of \$2,000,000. Said insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A".
- (d) **Automobile Liability Insurance:** In the event that Respondent is using a vehicle in business, a policy or policies with limits of not less than \$1,000,000 for each accident because of bodily injury, sickness, or disease, including death at any time, resulting therefrom, sustained by any person caused by accident; and a policy or policies with limits of not less than \$1,000,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance, or use of any vehicles including owned, non-owned and hired.

13.2 Each policy of insurance required shall be in form and content satisfactory to the City of Albany, and shall provide that:

- (a) The City is named as an additional named insured, on a primary and non-contributing basis.
- (b) The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the City of Albany.
- (c) The insurance policies shall be automatically renewed upon expiration and continued in force unless the City is given sixty (60) days written notice to the contrary.

13.3 No work shall commence under the contract until the selected proposer has delivered to the City or its designee proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer. If at any time, any of said policies shall be or become unsatisfactory to the City, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the selected proposer to furnish, deliver, and maintain such insurance as above provided, the contract may, at the election of the City, be declared suspended, discontinued or terminated. Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected proposer concerning indemnification.

SECTION 14: NON-COLLUSIVE PROPOSAL CERTIFICATE & ACKNOWLEDGMENT

- 14.1 Each proposer shall complete and submit with its, his, or her proposal the “Non-Collusive Proposal Certificate” and the “Acknowledgment” found on the two (2) pages that follow this page.

SECTION 15: PROCUREMENT FORMS AND REQUIREMENTS:

- 15.1 Additional requirements for this RFP are described below. Relevant statements, where required to be submitted, must be executed and included in the submission in the following order: 1. Iran Divestment Act Statement and 2. Non-Discrimination and Diversity Requirements.
- 15.2 Iran Divestment Act: By submission of a bid in response to this Bid request, *“each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.”*

The list in question is maintained by the New York State Office of General Services. For further information and to view this list please go to: <http://www.ogs.ny.gov/about/regs/ida.asp>

If in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to paragraph a of N.Y. General Municipal Law § 103-g on a case-by-case basis.

- 15.3 Non-Discrimination and Diversity Requirements: Pursuant to Federal laws and regulations, the New York State Executive Law Article 15-A and the City of Albany General Code Chapter 48, Article III Omnibus Human Rights Law, the City recognizes its obligation under the law to prevent discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency and to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of City contracts.

In furtherance of these rules and principles, the City of Albany highly encourages the participation of certified minority- and women-owned business enterprises (“MWBE”) at the City’s goal levels and the employment of minority groups’ members and women in the performance of its contracts. The City of Albany hereby notifies all Consultants submitting a proposal that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in consideration for award.

Further, by submission of a bid in response to this Bid request, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that:

“The respondent/contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The respondent/contractor will not participate directly or indirectly in the discrimination prohibited by the federal, state and local laws and regulations, including employment practices. In all solicitations, either by competitive bidding, or negotiation made by the respondent/contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the respondent/contractor of the respondent/contractor’s obligations under this Statement and the federal, state and local laws and regulations relative to Non-discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency.”

SECTION 18: SUBMISSION REQUIREMENTS:

- 18.1 All Proposers shall be required to submit a complete proposal. As outlined in this RFP, all proposals shall include the following:
- A) Statement of Qualifications as outlined in Section 4.
 - B) Work Proposal as outlined in Section 6.
 - C) Cost Proposal as outlined in Section 7.
 - D) Non-Collusive Proposal Certificate and Acknowledgment Form as outlined in Section 16
 - E) An acknowledgment of understanding that by submitting a bid the proposer certifies under penalty of perjury the above Iran Divestment Act statement, as outlined in Section 17.2 and the Non-Discrimination and Diversity statement, as outlined in Section 17.3.
- 18.2 Failure to include all of the above items may result in the proposal being considered nonresponsive.

NON-COLLUSIVE PROPOSAL CERTIFICATE
PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 103-D

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto, certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in the proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and
- (3) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(date)

(signature)

(name and title)
(printed name and title)

(name of firm)

ACKNOWLEDGMENT BY PROPOSER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2017, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she/they severally acknowledged to me that he/she/they executed the same.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

If Corporation:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2017, before me personally appeared _____ to me known, who, being by me sworn, did say that he/she is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

If Partnership:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2017, before me personally came _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of _____ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

Notary Public, State of _____
Qualified in _____
Commission Expires _____